

THURSDAY, APRIL 25, 1991

FORTIETH LEGISLATIVE DAY

The House met at 9:00 a.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by John Miller, Tusculum Church of Christ, Nashville, Tennessee.

Representative Dick Clark led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present . . . . . 97

Representatives present were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

REPORT OF COMMITTEE ON CALENDAR AND RULES  
April 25, 1991

MR. SPEAKER: Your Calendar and Rules Committee reports that we have met and set the following bills on the **Regular Calendar for Monday, April 29, 1991**: House Bill(s) No(s). 21, 598, 599, 715, 18, 1327, 281, 480, 881, 1351, 532, 1476, 901, 14 and 168; also, House Resolution(s) No(s). 36.

We further report that we have met and set the following bill(s) and/or resolution(s) on the **Consent Calendar for Monday, April 29, 1991**: House Bill(s) No(s). 1068 and 433; also, House Joint Resolution(s) No(s). 245 and 246.

PHILLIPS, Chair.

**THURSDAY, APRIL 25, 1991 -- FORTIETH LEGISLATIVE DAY**

**CONSENT CALENDAR**

**House Resolution No. 0069** -- Memorials, Congratulations -- Bolivar Central High School Business Professionals of America parliamentary procedure team.

**House Resolution No. 0070** -- Memorials, Interns -- Robert Lynn Bowman.

**House Joint Resolution No. 0288** -- Memorials, Sports -- Unicoi County High School girls' basketball team.

**House Joint Resolution No. 0289** -- Memorials, Interns -- Cassandra Tyiese Ferguson.

**House Joint Resolution No. 0290** -- Memorials, Sports -- Milligan College men's basketball team.

**House Joint Resolution No. 0291** -- Memorials, Professional and Business Achievement -- Michael Dunn Center, 20th Anniversary.

**House Joint Resolution No. 0292** -- Memorials, Sports -- Coach Harold Johnson.

**House Joint Resolution No. 0293** -- Memorials, Sports -- Lakeview Junior High School boys' basketball team.

**House Joint Resolution No. 0295** -- Memorials -- Helene Gunilla Lundquist.

**House Joint Resolution No. 0296** -- Naming and Designating -- Rozella Peebles Day, April 4, 1991.

**House Joint Resolution No. 0297** -- Memorials, Public Service -- Mary Knight Clinard.

**House Bill No. 1589** -- Lexington -- Changes term of mayor and aldermen. Amends Chapter 402, Acts of 1901, as amended.

**Senate Joint Resolution No. 0195** -- Memorials, Heroism -- Lieutenant Mike Dover.

**Senate Joint Resolution No. 0198** -- Memorials, Professional and Business Achievement -- Kathy Bates, Academy Award Winner.

**Senate Joint Resolution No. 0199** -- Memorials, Sports -- Aquinas Junior College Cavaliers, National Junior College Athletic Association Basketball Tournament champions.

**Senate Joint Resolution No. 0212** -- Memorials, Public Service -- Soddy-Daisy High School, Renaissance Education Foundation.

**Senate Joint Resolution No. 0215** -- Memorials, Interns -- Tom Hansom.

**THURSDAY, APRIL 25, 1991 -- FORTIETH LEGISLATIVE DAY**

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills on the Clerk's desk be conformed and substituted for the appropriate House Bill, that all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes. . . . .	99
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 99.

A motion to reconsider was tabled.

**REGULAR CALENDAR**

**House Bill No. 1395** -- Health -- Enacts "Memphis Plan Act of 1991". Amends TCA, Title 56.

Further consideration of House Bill No. 1395, previously considered on April 15 and 17, 1991, at which time the House adopted Amendment No. 1 and it was reset to the Calendar for April 25, 1991.

Rep. Chumney moved that House Bill No. 1395 be passed on third and final consideration.

Rep. Chumney moved to amend as follows:

**Amendment No. 2**

AMEND House Bill No. 1395 by deleting paragraph 4.(c) and substituting the following new paragraph 4.(c) to read as follows:

(c) Covered primary care services are provided to enrollees either by providers on staff of the sponsoring organization or by volunteers recruited from a local medical society who have, in both instances, agreed to

THURSDAY, APRIL 25, 1991 -- FORTIETH LEGISLATIVE DAY

provide their services for free or for nominal reimbursement for out-of-pocket expenses and/or expendable supplies directly related to and incurred as a result of the service provided to the enrollee; and

AND FURTHER AMEND by adding the following new paragraphs (e), (f) and (g) as follows:

(e) The plan has received the approval and endorsement of the local medical society in consultation with the Tennessee Medical Association; and

(f) Except as provided in subsection (c), no portion of any fees or charges under the plan shall be paid directly or indirectly as salary to any officer or director of the sponsoring not for profit corporation.

(g) The sponsoring not for profit corporation files an annual report with the commissioner of commerce and insurance within ninety days of the close of such corporation's fiscal year that includes at a minimum the following information: number of plan enrollees; total services rendered under the plan; plan financial statements; administrative costs and salaries paid by the plan; and, such other information as may be reasonably requested by the commissioner.

On motion, Amendment No. 2 was adopted.

Thereupon, Rep. Chumney moved that **House Bill No. 1395**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	96
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Knox), Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Peroulas, Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullis, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

**THURSDAY, APRIL 25, 1991 -- FORTIETH LEGISLATIVE DAY**

**\*House Bill No. 1201** -- Municipal Government -- Increases maximum penalty for violations of home rule municipalities from \$50 to \$500. Amends TCA, Title 6, Ch. 54.

Rep. Kent moved that House Bill No. 1201 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	96
Noes. . . . .	0
Present and not voting. . . . .	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), Dixon, Duer, Ferguson, Fowlkes, Garrett, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

Representatives present and not voting were: Givens -- 1.

A motion to reconsider was tabled.

**\*House Bill No. 1304** -- Medicare and Medicaid -- Revises determination of resources for eligibility for medicaid assistance; changes time from 24 to 30 months for resources sold or given away at less than fair market value to establish eligibility. Amends TCA, Titles 56, 68, 71.

Rep. West moved that House Bill No. 1304 be reset one week to the Calendar for May 2, 1991, which motion prevailed.

**House Bill No. 1047** -- Health and Environment, Dept. of -- Authorizes certain agencies to fund impaired practice programs. Amends TCA, Title 63, Ch. 1.

Rep. Duer moved that House Bill No. 1047 be passed on third and final consideration.

Rep. Dixon moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:

**Amendment No. 1**

Amend House Bill No. 1047 by adding new subsection (a) to

THURSDAY, APRIL 25, 1991 -- FORTIETH LEGISLATIVE DAY

Section 1 to read as follows:

(a) Regulatory boards, commissions and agencies attached to the division of health-related boards, in addition to other enumerated powers and duties, shall have as their purpose, assistance in the rehabilitation of impaired health practitioners who are licensed, certified or registered by the respective regulatory boards, commissions and agencies.

and to renumber subsections accordingly.

On motion, Amendment No. 1 was adopted.

Rep. Dixon moved adoption of Health and Human Resources Committee Amendment No. 2 as follows:

**Amendment No. 2**

Amend House Bill No. 1047 by deleting from subsection (b) of the amendatory language of Section 1 the words "fee increases" and by substituting instead the word "fees".

On motion, Amendment No. 2 was adopted.

Thereupon, Rep. Duer moved that **House Bill No. 1047**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	98
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

**\*House Bill No. 0039** -- Sunset Laws -- Extends termination date of air pollution control board. Amends TCA, Title 4, Ch. 29; Title

THURSDAY, APRIL 25, 1991 -- FORTIETH LEGISLATIVE DAY

44, Ch. 18; Title 68, Ch. 25.

Rep. King moved that House Bill No. 39 be passed on third and final consideration.

Rep. King moved adoption of Government Operations Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 39 by deleting Section 2 in its entirety and by substituting instead the following:

SECTION 2. Tennessee Code Annotated, Section 4-29-212(a), is amended by adding a new item thereto, as follows:

( ) Air pollution control board, created by § 68-25-104;

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. King moved that House Bill No. 39, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	99
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullis, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 99.

A motion to reconsider was tabled.

House Bill No. 0469 -- Child Abuse -- Elevates killing of certain children to first degree murder under certain circumstances. Amends TCA, Title 39, Ch. 13, Pt. 2.

Further consideration of House Bill No. 469, previously

THURSDAY, APRIL 25, 1991 -- FORTIETH LEGISLATIVE DAY

considered on April 18, 1991, at which time the House adopted Amendment No. 1, made the motion to adopt Amendment No. 2, and reset the bill to the Calendar for April 25, 1991.

Rep. Holcomb moved that House Bill No. 469 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 2 as follows:

Amendment No. 2

Amend House Bill No. 469 by deleting the effective date section and inserting the following new sections:

Section \_\_\_\_\_. The provisions of this act shall be null and void unless the General Appropriations Act provides an appropriation for the estimated operating cost of this act pursuant to Tennessee Code Annotated, Section 9-6-119. The Tennessee Code Commission is directed not to codify this section of this bill.

Section \_\_\_\_\_. This act shall take effect on July 1, 1991, the public welfare requiring it.

On motion, Amendment No. 2 was adopted.

Thereupon, Rep. Holcomb moved that House Bill No. 469, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	99
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 99.

A motion to reconsider was tabled.



THURSDAY, APRIL 25, 1991 -- FORTIETH LEGISLATIVE DAY

**House Bill No. 1094 -- Fees --** Revises charges for services and fees by clerks of supreme court, court of appeals and court of criminal appeals. Amends TCA 8-21-501.

Rep. Purcell moved that House Bill No. 1094 be passed on third and final consideration.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

**Amendment No. 1**

Amend House Bill No. 1094 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_\_. Notwithstanding any provision of law to the contrary, any fees received pursuant to this act in excess of the amount necessary to fund the offices of such clerks shall be allocated and appropriated to fund the implementation of Chapter \_\_\_\_ of the Public Acts of 1991 (House Bill No. 1361/ Senate Bill No. 1428); if such bill becomes law.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Purcell moved that **House Bill No. 1094**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	67
Noes. . . . .	24
Present and not voting. . . . .	4

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bivens, Bragg, Buck, Byrd, Callicott, Chumney, Clark, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), Dixon, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Hargrove, Herron, Hillis, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Kent, King, Kisber, Knight, Love, McAfee, McDaniel, McKee, Moore, Napier, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Hamilton), Severance, Sipes, Tindell, Turner (Hamilton), Walley, West, Williams (Shelby), Williams (Union), Winningham, Wix, Mr. Speaker Naifeh -- 67.

Representatives voting no were: Chiles, Duer, Haley, Halteman, Harrill, Haun, Head, Hill, Jones U (Shelby), Joyce, Kernell, Liles, Meyer, Niceley, Nuber, Peroulas Draper, Robinson (Washington), Shirley, Stamps, Tullos, Turner (Shelby), Venable, Windle, Wood -- 24.

Representatives present and not voting were: Coffey, Hassell, Holcomb, Whitson -- 4.

THURSDAY, APRIL 25, 1991 -- FORTIETH LEGISLATIVE DAY

A motion to reconsider was tabled.

#### REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from aye to no on House Bill No. 1094 and have this statement entered in the Journal.

Rep. Bill McAfee

#### REGULAR CALENDAR, CONTINUED

House Bill No. 1361 -- Attorneys at Law -- Permits state to pay for court approved counsel under certain circumstances. Amends TCA, Title 37.

Rep. Purcell moved that House Bill No. 1361 be passed on third and final consideration.

#### CHAIR TO SPEAKER PRO TEMPORE

Mr. Speaker Naifeh relinquished the Chair to Rep. Bivens, as Speaker pro tempore.

#### REGULAR CALENDAR, CONTINUED

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

##### Amendment No. 1

Amend House Bill No. 1361 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_\_. The funds necessary to implement the provisions of this act shall be earmarked from funds generated pursuant to the provisions of Chapter \_\_\_\_ of the Public Acts of 1991 (House Bill No. 1094/Senate Bill No. 1292), if such bill becomes law.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Purcell moved that House Bill No. 1361, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	80
Noes. . . . .	16

**THURSDAY, APRIL 25, 1991 -- FORTIETH LEGISLATIVE DAY**

Representatives voting aye were: Anderson, Armstrong, Arriola, Bell, Bivens, Bragg, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Gibson), Davis (Knox), Dixon, Ferguson, Fowlkes, Garrett, Gunnels, Halteman, Hargrove, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Kent, Kernell, King, Kisber, Knight, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Nuber, Odom, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Severance, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Winningham, Wix, Wood, Mr. Speaker Naifeh -- 80.

Representatives voting no were: Allen, Chiles, Davis (Cocke), Duer, Givens, Haley, Harrill, Hassell, Haun, Joyce, Liles, Niceley, Peroulas Draper, Robinson (Washington), Shirley, Windle -- 16.

A motion to reconsider was tabled.

#### **REQUEST TO CHANGE VOTE**

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from not voting to aye on House Bill No. 1361 and have this statement entered in the Journal.

Rep. H. E. Bittle

#### **REGULAR CALENDAR, CONTINUED**

**House Bill No. 1429 -- Taxes --** Requires insurance taxes to be paid quarterly; prohibits grace period; establishes penalties. Amends TCA 56-4-205, 216.

Rep. Purcell moved that House Bill No. 1429 be passed on third and final consideration.

Rep. Purcell moved to amend as follows:

#### **Amendment No. 1**

Amend House Bill No. 1429 by deleting Section 1 in its entirety and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 56-4-205(a), is hereby amended by deleting the third sentence in its entirety and by substituting instead the following language:

All such taxes shall be payable on or before March 1 and August 29 of each year; however, subsequent to the March 1, 1992 payment, such taxes shall cease to be paid on a semi-annual basis but

THURSDAY, APRIL 25, 1991 -- FORTIETH LEGISLATIVE DAY

instead shall be paid on a quarterly basis with payments being due on or before June 1, August 29, December 1, and March 1. The first such quarterly payment, representing taxes owed for the three months constituting the first calendar quarter of 1992, will be due on or before June 1, 1992. All such taxes shall be payable on sworn return forms which shall be furnished to the companies by the commissioner. Installments of the annual premium taxes due and payable for each quarter as described herein shall be based on the estimated amount of gross premiums received during that prior calendar quarter. A final payment of tax due for the preceding calendar year shall be made at the time each such insurance company files its March 1 return. Such final payment shall be measured by the gross premium, as defined in Section 56-4-204, received by the respective companies during the calendar year immediately preceding. Any insurance company which fails to report and pay any installment of tax, promptly and correctly as provided by this section, or which estimates any installment of tax to be less than 80 percent of the amount finally shown to be due in any quarter shall be subject to interest and penalty as provided in section 56-4-216 for any underpayment of taxes due and payable for that quarter. Any insurance company paying, for each installment required in this section, 25 percent of the amount of the annual premium taxes reported on its annual return for the preceding year shall not be subject to any penalty or interest for such underpayment.

On motion, Amendment No. 1 was adopted.

Rep. Haun moved to amend as follows:

Amendment No. 2

Amend House Bill No. 1429 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_\_. Any revenues collected pursuant to this act shall be allocated to the state's "rainy day fund".

Rep. Purcell moved that Amendment No. 2 be tabled, which motion prevailed by the following vote:

Ayes. . . . .	57
Noes. . . . .	40

Representatives voting aye were: Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Chumney, Clark, Cole, Collier, Crain, Cross,

**THURSDAY, APRIL 25, 1991 -- FORTIETH LEGISLATIVE DAY**

Curlee, Davidson, Davis (Gibson), Dixon, Ferguson, Fowlkes, Garrett, Givens, Hargrove, Head, Herron, Hillis, Holt, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Kent, Kernell, King, Kisber, Knight, Love, Moore, Napier, Odom, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Tindell, Turner (Hamilton), Walley, West, Windle, Winningham, Wix, Mr. Speaker Naifeh -- 57.

Representatives voting no were: Allen, Anderson, Armstrong, Callicott, Chiles, Copeland, Davis (Cocke), Davis (Knox), Duer, Gunnels, Haley, Halteman, Harrill, Hassell, Haun, Hill, Holcomb, Hubbard, Huskey, Joyce, Liles, McAfee, McDaniel, McKee, Meyer, Niceley, Nuber, Peroulas Draper, Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tullos, Turner (Shelby), Venable, Whitson, Williams (Shelby), Williams (Union), Wood -- 40.

Thereupon, Rep. Purcell moved that **House Bill No. 1429**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	86
Noes. . . . .	5
Present and not voting. . . . .	1

Representatives voting aye were: Allen, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Knox), Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Kent, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 86.

Representatives voting no were: Hassell, Joyce, Niceley, Nuber, Tullos -- 5.

Representatives present and not voting were: Armstrong -- 1.

A motion to reconsider was tabled.

**\*House Bill No. 0347** -- Correction, Dept. of -- Deletes certain certification requirement for certain correctional officers. Amends TCA, Title 41.

On motion, House Bill No. 347 was made to conform with Senate Bill No. 1233.

On motion, **Senate Bill No. 1233**, on same subject, was

**THURSDAY, APRIL 25, 1991 -- FORTIETH LEGISLATIVE DAY**

substituted for House Bill No. 347.

Rep. Love moved that **Senate Bill No. 1233** be passed on third and final consideration.

On motion, Rep. Love withdrew State and Local Government Committee Amendment No. 1.

Rep. Love moved that **Senate Bill No. 1233** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	77
Noes. . . . .	13
Present and not voting. . . . .	3

Representatives voting aye were: Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Knox), Dixon, Ferguson, Fowlkes, Garrett, Givens, Haley, Halteman, Hargrove, Hassell, Haun, Herron, Hillis, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kernell, King, Kisber, Knight, Love, McDaniel, McKee, Moore, Napier, Niceley, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Severance, Shirley, Sipes, Tindell, Turner (Hamilton), Turner (Shelby), Venable, West, Whitson, Williams (Shelby), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 77.

Representatives voting no were: Allen, Callicott, Head, Hill, Kent, Liles, Meyer, Nuber, Robinson (Washington), Stamps, Tullos, Williams (Union), Wix -- 13.

Representatives present and not voting were: Chumney, Holcomb, Walley -- 3.

A motion to reconsider was tabled.

**\*House Bill No. 0379** -- State Government -- Enacts "Tennessee Agenda for 1990s Act".

Rep. Love moved that House Bill No. 379 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	80
Noes. . . . .	11
Present and not voting. . . . .	2

Representatives voting aye were: Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Chiles, Chumney, Clark, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Knox), Dixon, Duer, Ferguson, Garrett, Givens, Halteman, Hargrove, Hassell, Haun, Head, Herron, Hillis, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell,

**THURSDAY, APRIL 25, 1991 -- FORTIETH LEGISLATIVE DAY**

King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Robinson (Davidson), Robinson (Hamilton), Severance, Shirley, Sipes, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Mr. Speaker Naifeh -- 80.

Representatives voting no were: Allen, Anderson, Callicott, Gunnels, Haley, Hill, Holcomb, Nuber, Stamps, Tullos, Wood -- 11.

Representatives present and not voting were: Fowlkes, Rinks -- 2.

A motion to reconsider was tabled.

**\*House Bill No. 0519** -- Aircraft and Airports -- Allows number and terms of certain airport authority commissioners to be varied by private act. Amends TCA, Title 42.

Rep. Davidson moved that House Bill No. 519 be passed on third and final consideration.

Rep. Love moved adoption of State and Local Government Committee Amendment No. 1 as follows:

**Amendment No. 1**

Amend House Bill No. 519 by deleting Section 1 of the printed bill and substituting instead the following:

Section 1. Tennessee Code Annotated, Section 42-3-104(a), is amended by designating the subsection to be subdivision (a)(1) and by adding a new subdivision (a)(2), as follows:

(a)

(2) In addition to the procedure set forth in subdivision (a)(1), one (1) or more municipalities and one (1) or more counties may, by resolution of each, create a public body, corporate and politic, to be known as a regional airport authority, which shall be authorized to exercise its functions upon the issuance by the secretary of state of a certificate of incorporation. The governing body of each participating municipality and the governing body of each participating county shall, pursuant to its resolution, appoint two (2) persons as commissioners of the authority. When the appointed commissioners convene, their first item of business shall be to appoint one (1) additional commissioner. If the commissioners

**THURSDAY, APRIL 25, 1991 -- FORTIETH LEGISLATIVE DAY**

cannot agree on the appointment of the additional commissioner, that position shall be filled by appointment of the governor.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Davidson moved that **House Bill No. 519**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	96
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Knox), Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullis, Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

**House Bill No. 0275** -- Education, Higher -- Revises scholarship amounts. Amends TCA 49-4-707.

On motion, House Bill No. 275 was made to conform with Senate Bill No. 103.

On motion, **Senate Bill No. 103**, on same subject, was substituted for House Bill No. 275.

Rep. Curlee moved that **Senate Bill No. 103** be passed on third and final consideration.

On motion, Rep. Davidson withdrew Education Committee Amendment No. 1.

Rep. Curlee moved that **Senate Bill No. 103** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	92
Noes. . . . .	0
Present and not voting. . . . .	2



THURSDAY, APRIL 25, 1991 -- FORTIETH LEGISLATIVE DAY

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Cross, Curlee, Davidson, Davis (Cocke), Davis (Knox), Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 92.

Representatives present and not voting were: Crain, Nuber -- 2.

A motion to reconsider was tabled.

**\*House Bill No. 0495** -- County Officers -- Increases sheriff or constable fees for certain services. Amends TCA, Title 8, Ch. 21.

On motion, House Bill No. 495 was made to conform with Senate Bill No. 1155.

On motion, **Senate Bill No. 1155**, on same subject, was substituted for House Bill No. 495.

Rep. Curlee moved that **Senate Bill No. 1155** be passed on third and final consideration.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 1.

Rep. Robinson (Washington) moved that Amendment No. 2 be withdrawn, which motion prevailed.

Rep. Curlee moved that **Senate Bill No. 1155** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	79
Noes. . . . .	7
Present and not voting. . . . .	10

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Buck, Byrd, Chiles, Clark, Coffey, Cole, Collier, Copeland, Cross, Curlee, Davidson, Davis (Cocke), Davis (Knox), Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Kent, Kernell, King, Kisber, Love, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway,

**THURSDAY, APRIL 25, 1991 -- FORTIETH LEGISLATIVE DAY**

Rigsby, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Tindell, Turner (Hamilton), Turner (Shelby), Venable, West, Whitson, Williams (Shelby), Winningham, Wix, Wood, Mr. Speaker Naifeh -- 79.

Representatives voting no were: Callicott, Haley, Joyce, Liles, Nuber, Tullos, Windle -- 7.

Representatives present and not voting were: Bragg, Chumney, Crain, Herron, Knight, Rinks, Sipes, Stamps, Walley, Williams (Union) -- 10.

A motion to reconsider was tabled.

**REQUEST TO CHANGE VOTE**

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from aye to no on Senate Bill No. 1155 and have this statement entered in the Journal.

Rep. John Arriola

**REQUEST TO CHANGE VOTE**

MR. SPEAKER: Pursuant to **Rule No. 31**, I wish to express a desire to change my original stand from aye to no on Senate Bill No. 1155 and have this statement entered in the Journal.

Rep. Dennis Ferguson

**REGULAR CALENDAR, CONTINUED**

**\*House Bill No. 0161** -- Sunset Laws -- Extends termination date of sentencing commission. Amends TCA, Title 4, Ch. 29; Title 40, Chs. 34, 35, 37; Title 41, Ch. 21.

On motion, House Bill No. 161 was made to conform with Senate Bill No. 176.

On motion, **Senate Bill No. 176**, on same subject, was substituted for House Bill No. 161.

Rep. King moved that **Senate Bill No. 176** be passed on third and final consideration.

**CHAIR TO SPEAKER**

Mr. Speaker Naifeh resumed the Chair.

THURSDAY, APRIL 25, 1991 -- FORTIETH LEGISLATIVE DAY

REGULAR CALENDAR, CONTINUED

Rep. King moved to amend as follows:

Amendment No. 1

Amend Senate Bill No. 176 by deleting Section 2 in its entirety and by substituting instead the following:

Section 2. Tennessee Code Annotated, Section 4-29-215(a), is amended by adding a new item thereto as follows:

( ) Sentencing commission, created by Section 40-37-102;

Rep. Garrett moved the previous question, which motion prevailed by the following vote:

Ayes. . . . .	75
Noes. . . . .	13
Present and not voting. . . . .	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bivens, Bragg, Buck, Byrd, Chiles, Chumney, Clark, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Knox), Dixon, Duer, Ferguson, Garrett, Givens, Haley, Halteman, Harrill, Hassell, Haun, Herron, Hillis, Holcomb, Holt, Hubbard, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kisber, Knight, Liles, Love, McAfee, McDaniel, Moore, Napier, Niceley, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Severance, Shirley, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 75.

Representatives voting no were: Callicott, Coffey, Copeland, Davis (Cocke), Gunnels, Hill, McKee, Meyer, Robinson (Washington), Sipes, Stamps, Williams (Shelby), Williams (Union) -- 13.

Representatives present and not voting were: Fowlkes -- 1.

Thereupon, Rep. King renewed the motion to adopt Amendment No. 1, which motion prevailed by the following vote:

Ayes. . . . .	67
Noes. . . . .	27

Representatives voting aye were: Armstrong, Arriola, Bell, Bivens, Bragg, Buck, Byrd, Chumney, Clark, Cole, Collier, Cross, Curlee, Davidson, Davis (Knox), Dixon, Ferguson, Garrett, Givens, Halteman, Harrill, Hassell, Herron, Hillis, Holcomb, Holt, Hubbard,

**THURSDAY, APRIL 25, 1991 -- FORTIETH LEGISLATIVE DAY**

Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Kent, Kernell, Kisber, Knight, Love, McDaniel, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Severance, Shirley, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Windle, Winningham, Wix, Mr. Speaker Naifeh -- 67.

Representatives voting no were: Allen, Anderson, Bittle, Callicott, Chiles, Coffey, Copeland, Crain, Davis (Cocke), Duer, Fowlkes, Gunnels, Haley, Haun, Head, Hill, Joyce, Liles, McAfee, McKee, Meyer, Phillips, Robinson (Washington), Sipes, Stamps, Williams (Union), Wood -- 27.

Rep. Crain moved to amend as follows:

**Amendment No. 2**

Amend Senate Bill No. 176 by adding before the effective date section the following new section and by renumbering the effective date accordingly:

Section \_\_\_\_\_. Tennessee Code Annotated, Section 40-37-201, 40-37-202, 40-37-203, 40-37-204, 40-37-205, 40-37-206(c), and 40-37-207, are deleting in their entirety.

Rep. Bragg moved that Amendment No. 2 be tabled, which motion prevailed by the following vote:

Ayes. . . . .	60
Noes. . . . .	30
Present and not voting. . . . .	1

Representatives voting aye were: Armstrong, Bell, Bivens, Bragg, Buck, Byrd, Chumney, Clark, Coffey, Cole, Collier, Cross, Curlee, Davidson, Davis (Knox), Dixon, Garrett, Givens, Harrill, Hassell, Herron, Hillis, Holcomb, Holt, Hubbard, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Kent, Kernell, King, Kisber, Liles, Love, McDaniel, Napier, Niceley, Nuber, Odom, Peroulas Draper, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Tindell, Tullos, Turner (Hamilton), Venable, West, Whitson, Williams (Shelby), Winningham, Mr. Speaker Naifeh -- 60.

Representatives voting no were: Allen, Arriola, Bittle, Callicott, Chiles, Copeland, Crain, Duer, Ferguson, Gunnels, Haley, Halteman, Haun, Head, Hill, Joyce, Knight, McAfee, McKee, Meyer, Moore, Phillips, Pinion, Shirley, Sipes, Stamps, Walley, Williams (Union), Windle, Wix -- 30.

Representatives present and not voting were: Fowlkes -- 1.

Rep. Callicott moved to amend as follows:

THURSDAY, APRIL 25, 1991 -- FORTIETH LEGISLATIVE DAY

Amendment No. 3

Amend Senate Bill No. 176 by deleting Section 2 in its entirety and by substituting instead the following:

Section 2. Tennessee Code Annotated, Section 4-29-213(a), is amended by adding a new item thereto as follows:

( ) Sentencing commission, created by Section 40-37-102;

Rep. King moved that Amendment No. 3 be tabled, which motion failed by the following vote:

Ayes. . . . .	39
Noes. . . . .	54

Representatives voting aye were: Armstrong, Bell, Bivens, Bragg, Buck, Clark, Collier, Curlee, Davis (Knox), Dixon, Ferguson, Garrett, Givens, Hassell, Herron, Hillis, Holt, Jones R (Shelby), Jones U (Shelby), Kent, Kernell, King, Kisber, Knight, Love, Napier, Odom, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Robinson (Davidson), Robinson (Hamilton), Turner (Hamilton), Turner (Shelby), West, Williams (Shelby), Mr. Speaker Naifeh -- 39.

Representatives voting no were: Allen, Anderson, Arriola, Bittle, Byrd, Callicott, Chiles, Chumney, Coffey, Cole, Copeland, Crain, Cross, Davidson, Davis (Cocke), Duer, Fowlkes, Gunnels, Haley, Halteman, Harrill, Haun, Head, Hill, Holcomb, Jackson, Johnson, Joyce, Liles, McAfee, McDaniel, McKee, Meyer, Niceley, Nuber, Peroulas, Draper, Phillips, Pinion, Rinks, Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Venable, Walley, Whitson, Williams (Union), Windle, Winningham, Wix, Wood -- 54.

Thereupon, Rep. Callicott renewed the motion to adopt Amendment No. 3.

Rep. King moved that Senate Bill No. 176 be reset to the Calendar for Thursday, May 1, 1991, which motion prevailed.

**House Bill No. 1214 -- Taxes, Real Property --** Clarifies redemption rights of persons with interest in property sold for nonpayment of taxes. Amends TCA, Title 66, Ch. 8; Title 67, Ch. 5.

Further consideration of House Bill No. 1214, previously considered on April 11 and 18, 1991, at which time it was reset to the Calendar for April 25, 1991.

On motion, House Bill No. 1214 was made to conform with Senate Bill No. 207.

THURSDAY, APRIL 25, 1991 -- FORTIETH LEGISLATIVE DAY

On motion, **Senate Bill No. 207**, on same subject, was substituted for House Bill No. 1214.

Rep. Williams (Shelby) moved that **Senate Bill No. 207** be passed on third and final consideration.

Rep. Williams (Shelby) moved to amend as follows:

**Amendment No. 1**

AMEND Senate Bill No. 207 by deleting Section 1 and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 67, Chapter 5, is amended by adding the following new section:

(a) For purposes of this section, persons entitled to redeem property shall include any person who owns a legal or equitable interest in the property sold at the tax sale and creditors of the taxpayer having a lien on the property. However, once property has been redeemed by the taxpayer, no further redemptions under this section are permissible. The taxpayer may redeem the property regardless of whether any other person has previously redeemed the property during the one (1) year redemption period.

(b)

(1) Persons entitled to redeem property may do so by paying the monies to the clerk as required by (c) and by filing any statement required by (c)(2) within one (1) year after entry of an order of confirmation of the tax sale by the court.

(2) A taxpayer may redeem property that has been previously redeemed by paying to the clerk the monies as required by (c) within one (1) year after entry of an order of confirmation of the tax sale by the court. In which case, upon the entry of the order of redemption using the procedure outlined in (d), the clerk shall disburse the monies paid to redeem plus interest at a rate of ten percent (10%) per annum computed from the date of the order of the previous redemption to the person previously redeeming as ordered by the court.

(c)

(1) In order to redeem the property, the taxpayer whose property has been sold shall pay to the clerk of the court who sold the property the amount paid for the delinquent taxes,

interest and penalties, court costs and any court ordered charges, and interest at the rate of ten percent (10%) per annum computed from the date of the sale on the entire purchase price paid at the tax sale.

(2) Redemption of the property by any person entitled to redeem the property, other than the taxpayer, shall be made by paying to the clerk of the court from which the property has been sold the purchase price paid at the tax sale and interest at the rate of ten percent (10%) per annum on the purchase price computed from the date of the sale. With tender of the redemption money to the clerk of court, the person redeeming the property under this subdivision shall file a statement setting forth the basis under which the person is entitled to redeem the property.

(d)

(1) Within ten (10) days of receipt of the money required for redemption as set forth in (c) and, if required, the statement setting forth the basis under which a person is entitled to redeem the property, the clerk shall send a notice to the purchaser of the property at the tax sale. This notice shall state that money to redeem the property has been tendered, the date of the tender, and that the purchaser shall have thirty (30) days from the date of the tender to file a motion requesting additional amounts to be paid to compensate the purchaser for any other lawful charges or monies expended to preserve the value of the property or to otherwise protest the redemption. If the court finds that the purchaser has paid additional monies for lawful charges in order to preserve the value of the property, the court shall order the person requesting to redeem the property to pay such additional sums to the clerk of court. After any additional sums have been paid to the clerk, the court shall order that the redemption has been properly made and the clerk shall disburse the purchase price with interest at a rate of ten percent (10%) per annum computed from the date of the tax sale to the purchaser. If the court finds that no additional sums are owing in order to redeem, or upon expiration of the thirty (30) day period for the purchaser to file a motion to protest the redemption or request additional monies, the court shall order that redemption has been properly made and the clerk shall disburse the purchase price plus interest at a rate of ten percent (10%) per annum computed from the date of

THURSDAY, APRIL 25, 1991 -- FORTIETH LEGISLATIVE DAY

the sale and any other monies so ordered by the court to the purchaser.

(2) In lieu of the motion procedure outlined in (1), the court may by rule or court order establish an alternative procedure.

(e) No person in possession of real property subject to the one (1) year redemption period shall commit waste and such persons shall take reasonable steps to prevent waste.

(f) Upon redemption of property under this section, the person who redeems property shall be transferred the interest in the property that was held by the taxpayer prior to the sale for delinquent taxes. However, any creditor who redeems may proceed to foreclose or otherwise enforce his lien.

AND FURTHER AMEND by deleting Section 4 and substituting instead the following:

SECTION 4. Tennessee Code Annotated, Section 66-8-101, is amended by deleting the following:

; and (4) Where it is sold for taxes

and by adding the following after the word and punctuation "absolute;" at the end of (2):

and

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Williams (Shelby) moved that **Senate Bill No. 207**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	83
Noes. . . . .	11
Present and not voting. . . . .	1

Representatives voting aye were: Allen, Anderson, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Knox), Dixon, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas, Draper, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Williams



**THURSDAY, APRIL 25, 1991 -- FORTIETH LEGISLATIVE DAY**

(Shelby), Williams (Union), Wix, Wood, Mr. Speaker Naifeh -- 83.

Representatives voting no were: Armstrong, Arriola, Bell, Chumney, Duer, Ferguson, Phillips, Shirley, Whitson, Windle, Winningham -- 11.

Representatives present and not voting were: Head -- 1.

A motion to reconsider was tabled.

**House Bill No. 1306** -- Crime, Victims of -- Establishes Tennessee victims coalition. Amends TCA, Title 4.

Rep. Curlee moved that House Bill No. 1306 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	95
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Knox), Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

**House Bill No. 1193** -- DUI/DWI Offenses -- Expands use of restricted driver license for DUI offender to include driving to and from alcohol safety program. Amends TCA 55-10-401.

On motion, House Bill No. 1193 was made to conform with Senate Bill No. 40.

On motion, **Senate Bill No. 40**, on same subject, was substituted for House Bill No. 1193.

Rep. Haun moved that **Senate Bill No. 40** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	93
Noes. . . . .	2

THURSDAY, APRIL 25, 1991 -- FORTIETH LEGISLATIVE DAY

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Knox), Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Turner (Hamilton), Turner (Shelby), Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 93.

Representatives voting no were: Nuber, Tullos -- 2.

A motion to reconsider was tabled.

**House Bill No. 0405** -- Civil Procedure -- Provides for transfer of certain improperly filed civil actions within judicial district. Amends TCA, Title 16.

On motion, House Bill No. 405 was made to conform with Senate Bill No. 304.

On motion, **Senate Bill No. 304**, on same subject, was substituted for House Bill No. 405.

Rep. Venable moved that **Senate Bill No. 304** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	94
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Knox), Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

**THURSDAY, APRIL 25, 1991 -- FORTIETH LEGISLATIVE DAY**

**House Bill No. 0057** -- Education -- Authorizes children to attend school in county of choice if city or town located in two or more counties. Amends TCA 49-6-3112.

Rep. Ferguson moved that House Bill No. 57 be reset to the Calendar for Monday, April 29, 1991, which motion prevailed.

**House Bill No. 0662** -- Evidence -- Revises various provisions of TCA to conform to rules promulgated by supreme court.

On motion, House Bill No. 662 was made to conform with Senate Bill No. 1009.

On motion, **Senate Bill No. 1009**, on same subject, was substituted for House Bill No. 662.

Rep. Buck moved that **Senate Bill No. 1009** be passed on third and final consideration.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 1.

Rep. Buck moved that **Senate Bill No. 1009** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	97
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Knox), Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

**House Bill No. 1078** -- Custody and Support -- Creates certain requirements on individual party to collateral child support agreement. Amends TCA 36-5-101.

Rep. Buck moved that House Bill No. 1078 be passed on third and final consideration, which motion prevailed by the following vote:

**THURSDAY, APRIL 25, 1991 -- FORTIETH LEGISLATIVE DAY**

Ayes. . . . .	93
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Knox), Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

**House Bill No. 0972 -- Public Defenders -- Removes civil service status from public defenders. Amends TCA, Title 8, Ch. 30.**

Rep. Buck moved that House Bill No. 972 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	92
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Knox), Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holt, Hubbard, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Odom, Peroulas Draper, Phillips, Pinion, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 92.

A motion to reconsider was tabled.

**House Resolution No. 0039 -- Memorials, Government Officials -- Urges attorney general to appeal Tennessee Small Schools v. McWherter.**

Rep. Buck moved that House Resolution No. 39 be reset one week to the Calendar for Thursday, May 2, 1991, which motion prevailed.

THURSDAY, APRIL 25, 1991 -- FORTIETH LEGISLATIVE DAY

MESSAGE FROM THE SENATE

April 25, 1991

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 585; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**\*Senate Bill No. 0585** -- Paternity -- Expands list of persons who may initiate determination of paternity. Amends TCA, Title 24, Ch. 7. by \*Haynes.

REGULAR CALENDAR, CONTINUED

**House Joint Resolution No. 0190** -- Memorials, Government Officials -- Urges Attorney General to appeal Tennessee Small Schools v. McWherter.

Rep. Buck moved that House Joint Resolution No. 190 be reset one week to the Calendar for Thursday, May 2, 1991, which motion prevailed.

**House Bill No. 1105** -- Administrative Procedure -- Clarifies cross reference regarding stay of effective date of rules. Amends TCA, Title 4, Ch. 5, Pt. 2.

On motion, House Bill No. 1105 was made to conform with Senate Bill No. 475.

On motion, **Senate Bill No. 475**, on same subject, was substituted for House Bill No. 1105.

Rep. Johnson moved that **Senate Bill No. 475** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	95
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Crain, Cross, Davidson, Davis (Cocke), Davis (Knox), Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas, Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullios, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson,

**THURSDAY, APRIL 25, 1991 -- FORTIETH LEGISLATIVE DAY**

Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood,  
Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

**\*House Joint Resolution No. 0157 -- Highway Signs -- Joe Susong Memorial Bridge.**

Rep. Johnson moved that House Joint Resolution No. 157 be adopted.

Rep. Robinson (Davidson) moved adoption of Transportation Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Joint Resolution No. 157 by deleting the last paragraph of the preamble in its entirety and by substituting instead the following:

WHEREAS, in 1990 a new bridge was constructed over the Nolichucky River and this General Assembly wishes to express its desire that this bridge be rededicated in memory of Joe Susong; now, therefore,"

FURTHER AMEND by deleting the three resolving clauses in their entireties and by substituting instead the following:

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-SEVENTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE SENATE CONCURRING,

That the Board of County Commissioners of Cocke County and the Board of County Commissioners of Hamblen County are requested to take official action to designate the new bridge, which spans the Nolichucky River on Bent Ridge road in Cocke County and Chucky River Road in Hamblen County, as the "Joe Susong Memorial Bridge"; and to affix suitable markers or erect suitable signs so designating this bridge.

BE IT FURTHER RESOLVED, that a copy of this resolution be prepared for Mr. Susong's family, and that a copy be sent to the County Executive of Cocke County and to the County Executive of Hamblen County.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Johnson moved that **House Joint Resolution No. 157**, as amended, be adopted, which motion prevailed by the following vote:

Ayes. . . . .	97
Noes. . . . .	0

**THURSDAY, APRIL 25, 1991 -- FORTIETH LEGISLATIVE DAY**

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Knox), Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

**House Bill No. 1359** -- Election Laws -- Enacts "Anti-Skullduggery Act of 1991". Amends TCA 2-5-101.

On motion, House Bill No. 1359 was made to conform with Senate Bill No. 454.

On motion, **Senate Bill No. 454**, on same subject, was substituted for House Bill No. 1359.

Rep. Knight moved that Senate Bill No. 454 be reset to the Calendar for Monday, April 29, 1991, which motion prevailed.

**MESSAGE FROM THE SENATE**  
**April 25, 1991**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1417; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**Senate Bill No. 1417** -- Handicapped Persons -- Creates pilot program for hearing impaired in Highland Rim area. Amends TCA, Title 71, Ch. 4, Pt. 21. by \*Cooper, \*Crowe, Womack.

**REGULAR CALENDAR, CONTINUED**

**House Bill No. 1266** -- Workers' Compensation -- Expands list of physicians to include those in state provider network. Amends TCA, Title 50, Ch. 6.

Pursuant to **Rule No. 13**, on motion of Rep. West, the following was set as a special order for Thursday, May 9, 1991: House Bill No. 1266.

**THURSDAY, APRIL 25, 1991 -- FORTIETH LEGISLATIVE DAY**

**\*House Bill No. 1118** -- Handicapped Persons -- Creates pilot program for hearing impaired in Highland Rim area. Amends TCA, Title 71, Ch. 4, Pt. 21.

Rep. Curlee moved that House Bill No. 1118 be passed on third and final consideration.

Rep. Dixon moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:

**Amendment No. 1**

Amend House Bill No. 1118 by adding a new section immediately preceding the effective date section, and by renumbering the effective date section accordingly:

SECTION \_\_\_\_\_. The provisions of this act shall not be construed to be an appropriation of funds and no funds shall be obligated or expended pursuant to this act unless such funds are specifically appropriated by the General Appropriations Act.

On motion, Amendment No. 1 was adopted.

On motion, House Bill No. 1118 was made to conform with Senate Bill No. 1417.

On motion, **Senate Bill No. 1417**, on same subject, was substituted for House Bill No. 1118.

Rep. Curlee moved that **Senate Bill No. 1417** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	97
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Knox), Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.



THURSDAY, APRIL 25, 1991 -- FORTIETH LEGISLATIVE DAY

**House Bill No. 1077** -- Paternity -- Expands list of persons who may initiate determination of paternity. Amends TCA, Title 24, Ch. 7.

On motion, House Bill No. 1077 was made to conform with Senate Bill No. 585.

On motion, **Senate Bill No. 585**, on same subject, was substituted for House Bill No. 1077.

Rep. Buck moved that **Senate Bill No. 585** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	94
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Knox), Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE  
April 25, 1991

MR. SPEAKER: I am directed to return to the House, Senate Bill No. 100.

The Senate refused to recede from its action in nonconcurring in House Amendment(s) No(s). 1.

The Speaker appointed a Conference Committee composed of Senators Cooper, Montgomery and Womack to confer with a like Committee from the House to resolve the differences of the two bodies on Senate Bill No. 100.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

THURSDAY, APRIL 25, 1991 -- FORTIETH LEGISLATIVE DAY

MESSAGE FROM THE SENATE

April 25, 1991

MR. SPEAKER: I am directed to return to the House, Senate Bill No. 268.

The Senate refused to recede from its action in nonconcurring in House Amendment(s) No(s). 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 14, 15, 16, 17 and 18.

The Speaker appointed a Conference Committee composed of Senators Springer, Burks and Lawson to confer with a like Committee from the House to resolve the differences of the two bodies on Senate Bill No. 268.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

MESSAGE CALENDAR

MOTION TO RECONSIDER

Rep. Clark moved to lift from the table the motion to reconsider Senate Bill No. 589, which motion prevailed.

**\*Senate Bill No. 0589** -- Correctional Programs -- Specifies certain counties where prisoners may apply for work release. Amends TCA 41-2-128.

Rep. Clark moved to reconsider action in passing Senate Bill No. 589, which motion prevailed.

On motion, the House reconsidered its action in adopting Amendment No. 1. On motion, Amendment No. 1 was withdrawn.

Rep. Clark moved that **Senate Bill No. 589** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	89
Noes. . . . .	2
Present and not voting. . . . .	3

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bittle, Bivens, Bragg, Buck, Byrd, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Knox), Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Johnson, Jones R (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West,

THURSDAY, APRIL 25, 1991 -- FORTIETH LEGISLATIVE DAY

Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 89.

Representatives voting no were: Bell, Callicott -- 2.

Representatives present and not voting were: Sipes, Stamps, Tindell -- 3.

A motion to reconsider was tabled.

#### HOUSE ACTION ON SENATE AMENDMENTS

**\*House Bill No. 0616** -- Insurance, Health, Accident -- Absolves insurance carrier from additional liability if settlement entered into prior to perfection of hospital lien. Amends TCA, Title 29, Ch. 22.

#### Senate Amendment No. 1

Amend House Bill No. 616 by adding the following at the end of Section 1 as amended:

"The provisions of this subsection shall not apply until thirty (30) days after any such person is discharged from the hospital."

Rep. Buck moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 616**, which motion prevailed by the following vote:

Ayes. . . . .	93
Noes. . . . .	0
Present and not voting. . . . .	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Knox), Dixon, Duer, Ferguson, Fowlkes, Garrett, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Johnson, Jones R (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 93.

Representatives present and not voting were: Givens -- 1.

A motion to reconsider was tabled.

THURSDAY, APRIL 25, 1991 -- FORTIETH LEGISLATIVE DAY

**House Bill No. 0988** -- Water Resources -- Revises membership of Upper Duck River Development Agency. Amends TCA, Title 64, Ch. 1, Pt. 6.

**Senate Amendment No. 1**

Amend House Bill No. 988 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_\_. Tennessee Code Annotated, Section 64-1-603(4)(B), is further amended by deleting the words "this purpose" and by substituting instead the words "these purposes".

Rep. Callicott moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 988**, which motion prevailed by the following vote:

Ayes. . . . .	93
Noes. . . . .	0
Present and not voting. . . . .	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Knox), Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, McAfee, McDaniel, McKee, Meyer, Moore, Niceley, Nuber, Odom, Peroulas, Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 93.

Representatives present and not voting were: Love -- 1.

A motion to reconsider was tabled.

**UNFINISHED BUSINESS**

**RULES SUSPENDED**

Rep. Chumney moved that the rules be suspended for the purpose of introducing House Resolution No. 76 out of order, which motion prevailed.

**House Resolution No. 0076** -- Memorials, Interns -- Oscar John Norris, III. by \*Chumney, \*Jones U.

**THURSDAY, APRIL 25, 1991 -- FORTIETH LEGISLATIVE DAY**

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Chumney, the resolution was adopted.

A motion to reconsider was tabled.

**NOTICE TO ACT ON SENATE MESSAGES**

Pursuant to the suspension of **Rule No. 59**, notice was given that the following measure(s) from the Senate would be considered on Monday, April 29, 1991:

**Senate Bill No. 100;** Rep. Bragg.

**Senate Bill No. 268;** Rep. Collier.

**House Bill No. 294;** Rep. Collier.

**House Bill No. 461;** Rep. Joyce.

**House Bill No. 1175;** Rep. Odom.

**House Bill No. 1239;** Rep. Hargrove.

**House Bill No. 1340;** Rep. Davidson.

**SPONSORS ADDED**

Without objection, the rules were suspended to allow the following members to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

**House Bill No. 14:** Rep(s). Herron as prime sponsor(s).

**House Bill No. 15:** Rep(s). Herron as prime sponsor(s).

**House Bill No. 57:** Rep(s). Coffey as prime sponsor(s).

**House Bill No. 469:** Rep(s). Walley as prime sponsor(s).

**House Bill No. 1136:** Rep(s). Ridgeway as prime sponsor(s).

**House Bill No. 1138:** Rep(s). Ridgeway as prime sponsor(s).

**House Bill No. 1140:** Rep(s). Ridgeway as prime sponsor(s).

**House Bill No. 1141:** Rep(s). Ridgeway as prime sponsor(s).

**House Bill No. 1306:** Rep(s). Hargrove as prime sponsor(s).

**House Bill No. 1437:** Rep(s). Ridgeway as prime sponsor(s).

**THURSDAY, APRIL 25, 1991 -- FORTIETH LEGISLATIVE DAY**

**House Joint Resolution No. 157:** Rep(s). Davis (Cocke) as prime sponsor(s).

**House Joint Resolution No. 297:** Rep(s). Callicott as prime sponsor(s).

**INTRODUCTION OF RESOLUTIONS**

On motion, the resolution(s) listed was/were introduced and referred as noted:

**\*House Resolution No. 0071** -- General Assembly, Studies -- Creates special house committee to study in lieu of tax payments on certain state property. by \*Windle.

Referred by the Speaker to the Calendar and Rules Committee.

**House Resolution No. 0072** -- Memorials, Interns -- Candy Bailey. by \*Hassell, \*Nuber.

Referred by the Speaker to the Calendar and Rules Committee.

**House Resolution No. 0074** -- Memorials, Interns -- Robin Whitehead. Amends TCA, Title 55, Ch. 4, Pt. 2. by \*Dixon, \*Pruitt, \*Armstrong.

Referred by the Speaker to the Calendar and Rules Committee.

**House Resolution No. 0075** -- Memorials, Interns -- Scott Lovelace. by \*Dixon, \*Pruitt, \*Armstrong.

Referred by the Speaker to the Calendar and Rules Committee.

**\*House Joint Resolution No. 0298** -- Memorials, Government Officials -- Requests Governor to consider achieving gender and racial balance in making appointments to state boards and commissions. by \*Turner B, \*Peroulas Draper, \*Duer, \*Chumney, \*Tullos, \*Pruitt, \*Halteman, \*Williams K, \*Knight, \*Hassell, \*Robinson Ruth.

Referred by the Speaker to the State and Local Government Committee.

**House Joint Resolution No. 0300** -- Memorials, Interns -- Amy Renee Gillentine. by \*Shirley.

Referred by the Speaker to the Calendar and Rules Committee.

**House Joint Resolution No. 0301** -- Memorials, Public Service -- Bobby Snelson, Mayor of Cowan. by \*Rigsby.

Referred by the Speaker to the Calendar and Rules Committee.

**House Joint Resolution No. 0302** -- Memorials, Public Service -- Thomas Williams. by \*Rigsby.

**THURSDAY, APRIL 25, 1991 -- FORTIETH LEGISLATIVE DAY**

Referred by the Speaker to the Calendar and Rules Committee.

**SENATE JOINT RESOLUTIONS  
(Congratulatory and Memorializing)**

On motion, the resolutions listed were referred as noted:

**Senate Joint Resolution No. 0202** -- Memorials, Personal Occasion -- Senator and Mrs. Ernest Crouch, 50th wedding anniversary.

Referred by the Speaker to the Calendar and Rules Committee.

**Senate Joint Resolution No. 0204** -- Memorials, Personal Achievement -- Carole Joyce Turner Maness, Chevalier dans l'Ordre des Palmes Academiques.

Referred by the Speaker to the Calendar and Rules Committee.

**RESOLUTIONS LYING OVER**

On motion, the resolutions(s) listed was/were introduced and referred as noted:

**\*Senate Joint Resolution No. 0105** -- Highway Signs -- Veterans Parkway, portion of U.S. Highway 11-E.

Referred by the Speaker to the Calendar and Rules Committee.

**REPORT OF DELAYED BILLS COMMITTEE  
April 25, 1991**

Pursuant to **Rule No. 78**, we the undersigned members of the Delayed Bills Committee have approved the following bill(s) to be introduced: House Bill(s) No(s). 1528.

Jimmy Naifeh, Speaker  
Bill Purcell  
John Chiles

**SENATE BILLS TRANSMITTED**

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk as noted:

**\*Senate Bill No. 0582** -- Judicial Officers -- Increases fees for certain services. Amends TCA 8-21-401, 30-2-306, 314, 55-8-132, 67-8-406. (HB 1120).

Held pending third consideration of companion House Bill.

**THURSDAY, APRIL 25, 1991 -- FORTIETH LEGISLATIVE DAY**

**Senate Bill No. 0645** -- State Government -- Enacts "Reduction of Waste in Government Act". (\*HB 0392).

Held pending third consideration of companion House Bill.

**Senate Bill No. 0715** -- Metropolitan Government -- Increases penalty for violation of adult entertainment laws from \$50 fine to Class C misdemeanor. Same as SB 788. Amends TCA, Title 7. (\*HB 0078).

Held pending third consideration of companion House Bill.

**\*Senate Bill No. 0846** -- Contractors -- Makes general contractors provisions applicable statewide. Amends TCA 62-6-102. (HB 0979).

Held pending third consideration of companion House Bill.

**\*Senate Bill No. 1063** -- Firefighters -- Creates presumption for certain full time firefighters that condition of cancer arose from course of employment. Amends TCA, Title 7, Ch. 51, Pt. 2. (HB 1457).

Held pending third consideration of companion House Bill.

**\*Senate Bill No. 1079** -- Tennessee Housing Development Agency -- Expands programs concerning affordable housing; changes priorities of fixtures to prior recorded mortgage. Amends TCA, Title 13, Ch. 23, 47-9-313. (HB 0904).

Held pending third consideration of companion House Bill.

**\*Senate Bill No. 1275** -- District Attorneys -- Authorizes employment of additional assistant district attorneys general and criminal investigators in 3rd judicial district. Amends TCA 16-2-506. (HB 1433).

Held pending third consideration of companion House Bill.

**\*Senate Bill No. 1421** -- Pest Control -- Removes provision stating rules promulgated under Tennessee Pest Control Operators Act of 1972 are rules under Tennessee Application of Pesticides Act of 1978. Amends TCA, Title 62, Ch. 21. (HB 1380).

Held pending third consideration of companion House Bill.

**\*Senate Bill No. 1424** -- Junk Dealers and Junkyards -- Repeals requirement that commissioner of transportation submit annual report to general assembly on junkyard control. Amends TCA 54-20-111. (HB 1317).

Held pending third consideration of companion House Bill.

**Senate Bill No. 1449** -- Solid Waste Disposal -- Extends from two years to thirty months time for state planning office to distribute



**THURSDAY, APRIL 25, 1991 -- FORTIETH LEGISLATIVE DAY**

guidelines concerning waste reduction and recyclable materials.  
Amends TCA, Title 68, Chs. 31, 33. (\*HB 1247).

Held pending third consideration of companion House Bill.

**Senate Bill No. 1456** -- Deeds -- Requires additional information on legal description of certain deeds of conveyance of real property. Amends TCA 66-24-121. (\*HB 1203).

Held pending third consideration of companion House Bill.

#### **HOUSE BILLS ON SECOND CONSIDERATION**

On motion, bills listed below passed second consideration and were referred to committee or held on the Clerk's desk as noted:

**House Bill No. 1590** -- Williamson County -- Passed second consideration and held on Clerk's desk pending approval by local delegation.

#### **LOCAL BILLS TRANSMITTED TO CALENDAR AND RULES**

**April 25, 1991**

In accordance with **Rule No. 48**, the following local bill(s), having received authorization for passage by the local legislative delegation, was/were transmitted to the Calendar and Rules Committee: House Bill(s) No(s). 1576.

#### **REPORT OF COMMITTEE ON CALENDAR AND RULES**

##### **CONSENT CALENDAR**

**April 25, 1991**

MR. SPEAKER: The officers of your Calendar and Rules Committee report that we have set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **Monday, April 29, 1991**: House Resolution(s) No(s). 72, 74 and 75; House Joint Resolution(s) No(s). 300, 301 and 302; Senate Joint Resolution(s) No(s). 202 and 204; also, House Bill(s) No(s). 1576.

PHILLIPS, Chair.

#### **REPORT OF CHIEF ENGROSSING CLERK**

**April 25, 1991**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Bill(s) No(s). 27, 156, 623, 663, 717, 855, 937, 1151, 1240, 1282, 1555, 1560 and 1572; also, House Joint Resolution(s) No(s). 118, 228, 229, 230, 233, 235, 241, 244, 250, 251 and 258; for his action.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

**THURSDAY, APRIL 25, 1991 -- FORTIETH LEGISLATIVE DAY**

**ENROLLED BILLS**  
**April 25, 1991**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bill(s) No(s). 655, 1333, 1575 and 1582; House Resolution(s) No(s). 11, 24, 58, 66 and 67; also, House Joint Resolution(s) No(s). 70, 255, 257, 259, 261, 263 and 264; and find same correctly enrolled and ready for the signature(s) of the Speaker(s).

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**  
**April 25, 1991**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1107; also, Senate Joint Resolution(s) No(s). 220 and 222; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**SIGNED**  
**April 25, 1991**

The Speaker announced that he had signed the following: Senate Bill(s) No(s). 1107; also, Senate Joint Resolution(s) No(s). 220 and 222.

**ENGROSSED BILLS**  
**April 25, 1991**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Joint Resolution(s) No(s). 289, 296 and 297; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

**SIGNED**  
**April 25, 1991**

The Speaker announced that he had signed the following: Senate Bill(s) No(s). 27, 226, 439, 443, 462, 515, 602, 981, 1011, 1026, 1034, 1401, 1459 and 1474; also, Senate Joint Resolution(s) No(s). 154, 178, 181, 183, 184, 185, 190, 193, 194, 203, 205 and 207.

**THURSDAY, APRIL 25, 1991 -- FORTIETH LEGISLATIVE DAY**

**SIGNED  
April 25, 1991**

The Speaker announced that he had signed the following: House Joint Resolution(s) No(s). 70, 255, 257, 259, 261, 263 and 264; also, House Resolution(s) No(s). 11, 24, 58, 66 and 67.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE  
April 25, 1991**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 120, 265, 266, 267, 268, 271 and 272; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE  
April 25, 1991**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1554, 1562, 1571 and 1584; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**ENGROSSED BILLS  
April 25, 1991**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 39, 379, 469, 519, 972, 1047, 1078, 1094, 1201, 1306, 1361, 1395, 1429 and 1589; also, House Joint Resolution(s) No(s). 157, 288, 290, 291, 292, 293 and 295; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE  
April 25, 1991**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 214; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**THURSDAY, APRIL 25, 1991 -- FORTIETH LEGISLATIVE DAY**

**SIGNED**  
**April 25, 1991**

The Speaker announced that he had signed the following: Senate Bill(s) No(s). 214.

**MESSAGE FROM THE SENATE**  
**April 25, 1991**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 289, 296 and 297; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE**  
**April 25, 1991**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 763, 930 and 1567; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**Senate Bill No. 0763** -- Professions, and Occupations -- Revises requirements for professional counselors. Amends TCA, Title 63, Ch. 22. by \*Henry, \*Dunavant.

**\*Senate Bill No. 0930** -- Education, Higher -- Enacts "Ethics/Conflict of Interest of Administrators Law of 1991". Amends TCA, Titles 8, 12, 49. by \*Cohen.

**Senate Bill No. 1567** -- Gatlinburg -- Revises date for meeting to elect mayor and vice mayor. Amends Chapter 84, Private Acts of 1945, as amended. by \*Koella.

**MESSAGE FROM THE SENATE**  
**April 25, 1991**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 206 and 208; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**Senate Joint Resolution No. 0206** -- Memorials, Heroism -- John Stephens. by \*Lawson, et al.

**Senate Joint Resolution No. 0208** -- Memorials, Sports -- Coffee County Central High School varsity cheerleaders. by \*Cooper.

THURSDAY, APRIL 25, 1991 -- FORTIETH LEGISLATIVE DAY

MESSAGE FROM THE SENATE

April 25, 1991

MR. SPEAKER: I am directed to return to the House, Senate Bill No. 633.

The Senate nonconcurred in House Amendment(s) No(s). 2.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

MESSAGE FROM THE SENATE

April 25, 1991

MR SPEAKER: I am directed to return to the House, House Bill(s) No(s). 956; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

MESSAGE FROM THE SENATE

April 25, 1991

MR SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1173; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

MESSAGE FROM THE SENATE

April 25, 1991

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 448, 774 and 1334; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

ENROLLED BILLS

April 25, 1991

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bill(s) No(s). 1564; and find same correctly enrolled and ready for the signature(s) of the Speaker(s).

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

THURSDAY, APRIL 25, 1991 -- FORTIETH LEGISLATIVE DAY

**SIGNED**  
**April 25, 1991**

The Speaker announced that he had signed the following: House Bill(s) No(s). 1564.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

**ENROLLED BILLS**  
**April 25, 1991**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bill(s) No(s). 448, 616, 774, 988, 1334, 1554, 1562, 1571 and 1584; House Resolution(s) No(s). 69, 70 and 76; also, House Joint Resolution(s) No(s). 120, 265, 266, 267, 268, 271, 272, 289, 296 and 297; and find same correctly enrolled and ready for the signature(s) of the Speaker(s).

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

**SIGNED**  
**April 25, 1991**

The Speaker announced that he had signed the following: House Bill(s) No(s). 448, 616, 655, 774, 988, 1333, 1334, 1554, 1562, 1571, 1575, 1582 and 1584; House Joint Resolution(s) No(s). 120, 265, 266, 267, 268, 271, 272, 289, 296 and 297; also, House Resolution(s) No(s). 69, 70 and 76.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

**MESSAGE FROM THE GOVERNOR**  
**April 25, 1991**

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 232, 402, 557, 747, 850, 903, 1279, 1360, 1549 and 1561; also, House Joint Resolution(s) No(s). 86, 109, 194, 196, 199, 200 and 225; with his approval.

DAVID H. WELLES,  
Counsel to the Governor.

**ROLL CALL**

The roll call was taken with the following results:

Present . . . . . 97

**THURSDAY, APRIL 25, 1991 -- FORTIETH LEGISLATIVE DAY**

Representatives present were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

On motion of Rep. Purcell, the House recessed until 5:00 p.m., Monday, April 29, 1991.